IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.33774 of 2008
MD. SARFARAZ
Versus
THE STATE OF BIHAR

For the Petitioner:- Smt. Veena Rani Pd., Advocate

For the State:- Mr. Vishal Saurabh, A.P.P.

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2 18.8.2008 Heard learned counsel for the petitioner and learned counsel for the State.

This case has been registered under Sections 364, 366, 366(A) and 376 of the Indian Penal Code.

Allegation is that the minor daughter of the informant was kidnapped by the petitioner and others.

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Learned counsel for the petitioner submits that the petitioner is major. It is stated that medical board has also assessed the age of victim girl between 17 to 19 years. It is also stated that she came back on her own after knowing about the institution of this case and her statement was recorded under Section 164 Cr.P.C. wherein she has categorically stated that she has gone with the petitioner at her own free will and has married the petitioner. She has stated in her statement that she is aged about 21 years. The petitioner has annexed one nikahnama also in support of the aforesaid submission vide Annexure-2 and also some affidavits sworn by the petitioner as well as the victim girl. It is submitted that the petitioner is in Jail custody since 14.5.2008 and the other co-accused namely Ladla has been released on bail by a Bench of this Court by an order dated 21.2.2007 passed in Cr.

Misc. No. 7487 of 2007.

Learned counsel for the State submits that there is allegation upon the petitioner of kidnapping the girl and of sexual assault. However, he admits that in her statement recorded under Section 164 Cr.P.C., the girl has stated that she had gone with the petitioner at her own will and had married the petitioner and also that she is aged about 21 years.

In the facts and circumstances of the case and in view of the aforesaid submissions, I direct the petitioner namely, Md. Sarfaraz, to be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Jahanabad in connection with Jahanabad P.S. Case No. 267 of 2006.

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P.K. **(Dr. Ravi Ranjan, J.)**